

UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA

v.

Frank James

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:22CR00214(S-1)-001(WFK)

USM Number: 83999-053

Mia Eisner-Grynberg, Esq. (Federal Defenders of New York)
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One (1s) to Eleven (11s) of the Superseding Indictment.☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1992(a)(7), 18 U.S.C. § 1992 (b)(1)	TERRORIST ATTACK AND OTHER VIOLENCE AGAINST A MASS TRANSPORTATION SYSTEM AND VEHICLE CARRYING PASSENGERS AND EMPLOYEES	4/12/2022	1s
18 U.S.C. § 1992(a)(7), 18 U.S.C. § 1992 (b)(1)	TERRORIST ATTACK AND OTHER VIOLENCE AGAINST A MASS TRANSPORTATION SYSTEM AND VEHICLE CARRYING PASSENGERS AND EMPLOYEES	4/12/2022	2s

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ Count(s) all open counts ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/5/2023

Date of Imposition of Judgment

s/ WFK

Signature of Judge

William F. Kuntz, II - U.S. District Judge

Name and Title of Judge

Date

Oct. 6, 2023

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ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1992(a)(7), 18 U.S.C. § 1992(b)(1)	TERRORIST ATTACK AND OTHER VIOLENCE AGAINST A MASS TRANSPORTATION SYSTEM AND VEHICLE CARRYING PASSENGERS AND EMPLOYEES	4/12/2022	3s
18 U.S.C. § 1992(a)(7), 18 U.S.C. § 1992(b)(1)	TERRORIST ATTACK AND OTHER VIOLENCE AGAINST A MASS TRANSPORTATION SYSTEM AND VEHICLE CARRYING PASSENGERS AND EMPLOYEES	4/12/2022	4s
18 U.S.C. § 1992(a)(7), 18 U.S.C. § 1992(b)(1)	TERRORIST ATTACK AND OTHER VIOLENCE AGAINST A MASS TRANSPORTATION SYSTEM AND VEHICLE CARRYING PASSENGERS AND EMPLOYEES	4/12/2022	5s
18 U.S.C. § 1992(a)(7), 18 U.S.C. § 1992(b)(1)	TERRORIST ATTACK AND OTHER VIOLENCE AGAINST A MASS TRANSPORTATION SYSTEM AND VEHICLE CARRYING PASSENGERS AND EMPLOYEES	4/12/2022	6s
18 U.S.C. § 1992(a)(7), 18 U.S.C. § 1992(b)(1)	TERRORIST ATTACK AND OTHER VIOLENCE AGAINST A MASS TRANSPORTATION SYSTEM AND VEHICLE CARRYING PASSENGERS AND EMPLOYEES	4/12/2022	7s
18 U.S.C. § 1992(a)(7), 18 U.S.C. § 1992(b)(1)	TERRORIST ATTACK AND OTHER VIOLENCE AGAINST A MASS TRANSPORTATION SYSTEM AND VEHICLE CARRYING PASSENGERS AND EMPLOYEES	4/12/2022	8s
18 U.S.C. § 1992(a)(7), 18 U.S.C. § 1992(b)(1)	TERRORIST ATTACK AND OTHER VIOLENCE AGAINST A MASS TRANSPORTATION SYSTEM AND VEHICLE CARRYING PASSENGERS AND EMPLOYEES	4/12/2022	9s
18 U.S.C. § 1992(a)(7), 18 U.S.C. § 1992(b)(1)	TERRORIST ATTACK AND OTHER VIOLENCE AGAINST A MASS TRANSPORTATION SYSTEM AND VEHICLE CARRYING PASSENGERS AND EMPLOYEES	4/12/2022	10s
18 U.S.C. § 924(c)(1)(A)(iii)	DISCHARGING A FIREARM DURING A CRIME OF VIOLENCE	4/12/2022	11s

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IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

On Counts One (1s) through Ten (10s): LIFE (on each count) to run concurrently

On Counts Eleven (11s): TEN (10) YEARS to run consecutively to all other counts.

☒ The court makes the following recommendations to the Bureau of Prisons:
for the Defendant to be designated to: 1) a facility as close as possible to the New York City metropolitan area; and 2) a Federal Medical Center facility.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 1,100.00	\$ 6,273.66	\$	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
F.H.		\$3,150.00	
A.L.		\$3,123.66	

TOTALS	\$	<u>0.00</u>	\$	<u>6,273.66</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant’s ability to pay, payment of the total criminal monetary penalties is due as follows:

- A

☒ Lump sum payment of \$ 1,100.00 due immediately, balance due

☐ not later than _____, or

☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B

☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C

☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D

☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E

☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant’s ability to pay at that time; or
- F

☒ Special instructions regarding the payment of criminal monetary penalties:
Payment shall be made payable to the Clerk of Court.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons’ Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant’s interest in the following property to the United States:
See Order of Forfeiture dated September 25, 2023 appended to and incorporated by reference into this judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.